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PATENT

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6/20/05 \_\_\_\_\_  
Date Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PETER COLOSI

Confirmation No.: 8094

Serial No.: 10/074,302

Art Unit: 1636

Filing Date: February 11, 2002

Examiner: K. Katcheves

Title: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS

TERMINAL DISCLAIMER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

1. I, Roberta L. Robins, am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of Avigen, Inc., the assignee for this invention (hereinafter "Assignee").

2. The Assignee is a Delaware corporation, having an address at 1301 Harbor Bay Parkway, Alameda, California 94502.

3. The Assignee is the owner of the entire right, title and interest in and to the invention disclosed and claimed in the above-captioned application, U.S. Serial No. 10/074,302, filed February 11, 2002, and is also the owner of the entire right, title and interest in and to (1) U.S. Patent No. 6,001,650 filed August 28, 1998 and issued December 14, 1999, by virtue of an assignment recorded August 28, 1998 at Reel 9437, Frame 0325; (2) U.S. Patent No. 6,376,237, filed November 29, 1999 and issued April 23, 2002, by virtue of an assignment recorded November 29, 1999, at Reel 010434,

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Frame 0152; and (3) U.S. Patent No. 6,365,403, filed November 29, 1999 and issued April 2, 2002, by virtue of an assignment recorded November 29, 1999, at Reel 010426, Frame 0118.

4. The undersigned hereby certifies that the evidentiary documents with respect to the Assignee's ownership have been reviewed and that, to the best of her knowledge and belief, title is in the Assignee seeking to take this action.

5. The assignee hereby disclaims the terminal part of any patent granted on the herein application Serial No. 10/074,302 which would extend beyond the expiration date of U.S. Patent Nos. 6,001,650, 6,376,237 and 6,365,403, and agrees that any patent granted on the herein application 10/074,302 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,001,650, 6,376,237 and 6,365,403, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

6. In making this disclaimer, the Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent Nos. 6,001,650, 6,376,237 and 6,365,403 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Executed at Palo Alto, California

By: 

Roberta L. Robins

Title: Attorney of Record

Date: 6/20/05

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